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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of the nations, we come as we are today into Your sacred presence. Lord, we feel unworthy of Your mercy and grace and long to please You by living to honor Your Name. Some of us are cornered by temptation, others are deep in grief, and still others are anxious about tomorrow. Supply our very needs according to the riches of Your powerful providence.

In a special way, sustain our Senators. Help them to cast their burdens on You because You know all about them and have the power to answer even before they call. Remind them that You desire to hear their prayers more than they long to be heard. May they remember Your promise to keep them from stumbling and slipping.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 17, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be an hour of morning business, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes; Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 146, the legislative vehicle for the lands package. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus lunches.

SENATE AGENDA

Mr. REID. Madam President, as a result of a number of conversations with various people last night, I think we are at a point where we should shortly be able to enter into an agreement to complete H.R. 146. Senator COBURN is going to offer six amendments. We are going to agree on a time for those amendments. We have the subject matter, and staff is going to work out the—I am told the legislative language has been drafted on the bills, so it seems to me we should be in a position to move

forward. With the six amendments, we should be able to finish the legislation without a lot of heavy lifting tomorrow—maybe early tomorrow—which would allow us to do some nominations and get some of those done before we leave here. So I hope that will work out. We are not there yet, but I think we are very close.

I had a meeting this morning with Senator BINGAMAN. He understands the subject matter of the amendments—he being the chair of the Energy Committee, which has the jurisdiction of everything in this bill—so that should take care of that matter.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AIG BONUSES

Mr. MCCONNELL. Madam President, over the weekend we learned the extent of the bonuses being paid to some of the same people at AIG who got this company in the position it is in. Many of us on both sides of the aisle expressed absolute outrage that these bonuses could be paid. Yesterday, the White House joined that chorus and promised to do everything possible to get the taxpayers' money back. Well, we certainly appreciate those efforts. However, it could have been handled a little differently. It would have been better if this pledge had included action 2 weeks ago. Just 2 weeks ago, the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Treasury agreed to give AIG another \$30 billion in taxpayer money—just within the last 2 weeks. For example, wouldn't the Treasury and the taxpayer have had more leverage over AIG's executive contracts before providing another \$30 billion in tax money for them? Once that money was handed over to AIG, the leverage was lost. That would have been the perfect time to make sure this didn't happen.

It is my hope the Treasury will be vigilant in safeguarding taxpayer funds from here on. I certainly expect them to look for every possible legal way to live up to the pledge made yesterday on behalf of the taxpayers of the United States.

GUANTANAMO BAY

Mr. MCCONNELL. Madam President, a lot has been written over the past several days about the inmates at Guantanamo, and none of it makes the administration's decision to shut this facility down by the end of the year any less challenging than it already was. This is an issue which has grave implications for our Nation's security, and we really need to get it right. So this morning, I wish to spend a few minutes explaining why the administration would do well to reconsider its approach to Guantanamo, an approach that looks even hastier now than when it was first announced back in January.

One of the most obvious problems the administration faces on this issue is what to do with these inmates once Guantanamo is closed. This is not a new concern. Ever since the United States started using Guantanamo as a detention facility after the invasion of Afghanistan, Government officials and legal thinkers have tried to come up with ways of dealing with enemy combatants who don't fall into the traditional categories of war. No one denies that the United States is legally entitled to capture and to hold enemy fighters to prevent them from returning to battle, but their release and repatriation have proved to be extremely complicated. As the years have passed, these questions have become even more complicated—not less—than they were back in 2001.

Just this week, a number of European countries that had previously offered to help the administration find a new home for about 60 of the remaining 241 inmates at Guantanamo began to backpedal. Some of these countries now indicate they won't take any of these inmates unless the United States agrees to take some of them as well and agrees to put them in American prisons. This is clearly a dodge since the American people appear to be even less interested in housing these inmates than the Europeans are. Well, if there is no place for these terrorists to go in Europe and no place for them to go in the United States, an obvious question arises: Where else can they go? At the moment, there is no answer to that most important question.

When the question of sending detainees to U.S. soil was put to the Senate in the summer of 2007, the vote against it was 94 to 3. We had that vote right here in the Senate in the summer of 2007, and by a vote of 94 to 3 Members of the Senate said they did not want these Guantanamo prisoners on U.S. soil. This is not only a good reflection of where public opinion is on the issue, it is also notable that four of the votes cast were Senators from Kansas and Colorado, States that are most often mentioned as possibilities to house the inmates. One of these Senators, Ken Salazar, is now in the Obama administration, and former Kansas Governor Kathleen Sebelius, who also opposes sending inmates to Kansas, is the administration's pick to head the Department of Health and Human Services. So the bottom line here is that it is hard to find anyone anywhere, even inside the Obama administration, who wants their State to become the next home to captured violent terrorists.

Now, there is a reason no one wants to have these guys nearby. Over the years, the pool of prisoners at Guantanamo has become only more dangerous, not less, and those who remain include dozens of proud and self-proclaimed—proud and self-proclaimed—members of al-Qaida. Many have been directly linked to some of the worst terrorist attacks in history, including some who had direct knowledge—direct knowledge—of September 11. Others have trained or funded terrorists, made bombs or presented themselves as potential suicide bombers.

We recently got a vivid glimpse into the minds of these men when a number of them responded in writing to the Government's charges against them. Here are some of the excerpts from the document which was signed by five men whose names appear on the chart right behind me:

With regard to these nine accusations that you are putting us on trial for—

So said one of the terrorists—

to us, they are not accusations. To us, they are badges of honor which we carry with pride . . . therefore, killing you and fighting you, destroying you and terrorizing you, responding back to your attacks, are all considered to be great legitimate duty in our religion.

Later on, these men refer to the September 11 attacks as "the blessed 11 September operation."

Toward the end of the document, they make a statement and a prediction. Here is what they said:

We ask to be near to God, we fight you and destroy you and terrorize you. . . . your end is very near and your fall will be just as the fall of the towers on the blessed 9/11 day. . . . so we ask from God to accept our contributions to the great attack, the great attack on America, and to place our nineteen martyred brethren among the highest peaks in paradise. . . .

One of the most chilling statements in the document is the simple assertion by these men, quoted on the chart behind me:

We are terrorists to the bone.

"We are terrorists to the bone."

This is how they see themselves. These are the men the administration wants to release from Guantanamo?

Not only are most of the remaining inmates at Guantanamo extremely dangerous, they are also increasingly likely to return to battle if they are transferred back to their home countries. According to Pentagon reports, detainees who have been released from Guantanamo appear to be reengaging in terrorism at higher rates, with the current rate of those either suspected or confirmed of reengaging in terrorism at about 12 percent. About 12 percent of those who have been released are back in the fight.

More than a third of the detainees who have already been released were from Saudi Arabia, which has its own detention and rehabilitation system. But our confidence in that system has been shaken by recent reports that Saudi detainees who returned home have gone back to fighting.

Last month, two Saudis who were released from Guantanamo and who passed through the Saudi rehabilitation program appeared in a video as members of al-Qaida in Yemen. One of them, Ali al-Shirhi, is thought to have been involved in a deadly bombing on the U.S. Embassy in Yemen last September.

Al-Shirhi was released to Saudi Arabia from Guantanamo in 2007.

Even more worrisome than the Saudi detainees, however, is the prospect of releasing Yemeni detainees to Yemen since Yemen has shown little ability to control even the most dangerous terrorists we release. Of the 100 Yemenis who remain at Guantanamo, about 15 have been cleared for transfer to Yemen. Another 15 may face trial in the United States. Some of the remaining Yemenis could go to Saudi Arabia, but the Yemeni Government is protesting the move.

Other inmates who have been released have shown up on the battlefield in places like Pakistan and Iraq. One former inmate from Kuwait traveled to Syria after his release, snuck into Iraq, and plotted attacks against U.S. forces there. He eventually drove a truck packed with explosives into a joint American and Iraqi military training camp, blowing himself up, and killing 13 Iraqi soldiers.

Each one of these concerns is serious enough to warrant a reconsideration of the administration's decision to close the detention facility at Guantanamo Bay. Taken together it is hard to imagine the administration is not already having second thoughts. Of the alternatives that have been considered, some, like a transfer of detainees to Europe, may no longer be viable.

But even if these inmates were sent to Europe, one all-important question would remain: What then? Will they be released? With a recidivism rate now hovering around 12 percent, this is a risk that is simply too dangerous to take—especially when it only takes